

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NATHANIEL BONTY,)
)
)
Plaintiff,)
)
-vs-) Case No. CIV-06-698-F
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)
LT. PLASTER, et al.,)
)
)
Defendants.)

ORDER

Plaintiff, Nathaniel Bonty, an inmate proceeding *pro se* and *in forma pauperis*, brings this action challenging the conditions of his confinement under 42 U.S.C. § 1983 and state law. On April 20, 2007, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation, wherein he recommended that the court grant defendants' motions to dismiss and summarily dismiss plaintiff's federal claims involving retaliation, cruel and unusual punishment, and denial of meaningful administrative remedies. Magistrate Judge Bacharach advised plaintiff of his right to object to the Report and Recommendation by May 10, 2007. He further advised plaintiff that failure to timely object would foreclose appellate review of the proposed rulings.

To date, plaintiff has not objected to the Report and Recommendation. With no objection being filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation issued by United States Magistrate Judge Robert E. Bacharach on April 20, 2007 (doc. no. 56) is **ACCEPTED, ADOPTED, and AFFIRMED.**

IT IS ALSO ORDERED that the Motion to Dismiss filed by James Bryant on March 5, 2007 (doc. no. 45) and the Amended Motion to Dismiss filed by Defendants Corrections Corporation of America, Lt. Plaster, Roberta Hickey, and C. Moody filed March 5, 2007 (doc. no. 46) are **GRANTED** to the extent stated in the Report and Recommendation.

IT IS ALSO ORDERED that Plaintiff's claims involving conspiracy, denial of equal protection through race-discrimination, and deprivation of due process through job termination without investigation or hearing are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a).

IT IS ALSO ORDERED that plaintiff's claims involving termination of employment in violation of prison policy and reduction in pay level are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to Rule 12(b)(6), Fed. R. Civ. P.

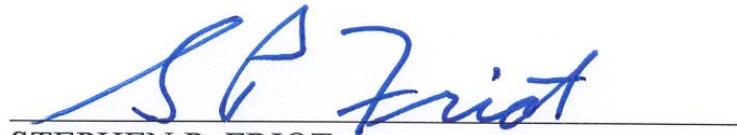
IT IS ADDITIONALLY ORDERED that Plaintiff's claims involving retaliation and denial of meaningful administrative remedies are summarily **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and 42 U.S.C. § 1997e(c)(1) . Plaintiff is **GRANTED** leave to amend his amended complaint to correct the deficiencies of these claims as discussed in the Report and Recommendation within twenty days from the date of this order.

IT IS ADDITIONALLY ORDERED that plaintiff's claim of cruel and unusual punishment is summarily **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and 42 U.S.C. § 1997e(c)(1).

IT IS ADDITIONALLY ORDERED that plaintiff's state law claims for negligence and intentional infliction of emotional distress remain pending as stated in the Report and Recommendation.

IT IS FURTHER ORDERED that in accordance with 28 U.S.C. § 636, this matter is hereby referred to United States Magistrate Judge Robert E. Bacharach for preliminary review, for conducting any necessary hearings, including evidentiary hearings, for the entry of appropriate orders as to non-dispositive matters, and for the preparation and submission to the undersigned judge of proposed findings and recommendations as to dispositive matters referenced in 28 U.S.C. § 636(b)(1)(B) and (C).

DATED May 25, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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